

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Evolved Wireless, LLC,

Plaintiff,

V.

**Samsung Electronics Co., Ltd., and
Samsung Electronics America, Inc.,**

Defendants.



Civil Action No. 2:21-CV-00033

Jury Trial Demanded

JOINT MOTION FOR LEAVE TO SUPPLEMENT DAMAGES EXPERT REPORTS

Plaintiff Evolved Wireless, LLC, (“Evolved”) and Defendants Samsung Electronics Co., Ltd. (“SEC”) and Samsung Electronics America, Inc. (“SEA”) (collectively, “Samsung”) (both sides collectively, the “Parties” and each a “Party”) respectfully move for leave for the parties to supplement their Expert Reports for Plaintiff’s Expert, Jonathan Putnam, and Samsung’s Expert, Matthew R. Lynde, Ph.D. In support thereof, the parties would respectfully show the Court as follows as providing good cause:

During the pre-trial conference, the Court granted-in-part Samsung's motion for summary judgment on pre-suit damages. Subsequently, the Court granted Samsung's partial motion for summary judgment related to Samsung's products which incorporated Qualcomm chipsets. As a result, the units to be included in the royalty base for each side's opinion on damages have been clarified by the Court's rulings. The Parties jointly request leave of court to allow them to serve supplemental damages reports accounting for the Court's rulings and for the limited purpose of removing from the damages base units that are no longer at issue for the upcoming trial. Specifically, Plaintiff will serve its supplemental damages report(s) in connection with the Court's

rulings on or before November 2, 2023, and Samsung will serve any responsive supplemental damages report based on the Court's rulings on or before November 7, 2023.

The requested relief does not affect any hearing deadlines or the trial date. The requested relief is not sought for purposes of delay but to allow the parties to obtain complete Expert opinions prior to trial. Thus, Evolved and Samsung respectfully request that the Court grant this Motion and allow Plaintiff leave to serve supplemental damages report(s) in connection with the Court's rulings on or before November 2, 2023, and allow Samsung leave to serve any responsive supplemental damages report(s) based on the Court's rulings on or before November 7, 2023.

Dated: November 2, 2023

Respectfully submitted,

/s/ **Anthony Bruster**

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel have complied with the meet-and-confer requirements of Local Rule CV-7(h) and (i) and that the foregoing motion is joined in its entirety by Plaintiff Evolved Wireless, LLC, and Defendants Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc.

/s/ Anthony Bruster
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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document and all attachments thereto, if any, are being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served this November 6, 2023 on all counsel of record, each of whom is deemed to have consented to electronic service. L.R. CV-5(a)(3)(A).

/s/ Anthony Bruster
Anthony Bruster